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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
10/623,740	07/22/2003	Michihiko Yanagisawa	506212001100	5259		
25227	7590 10/20/2005		EXAM	EXAMINER		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD			AHMED, S	AHMED, SHAMIM		
SUITE 300	b boott vind		ART UNIT	PAPER NUMBER		
MCLEAN, V	'A 22102		1765			

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Shamin Ahmed Shamin Ahmed The Shamin Ahmed			Application No.	,	Applicant(s)				
Shamim Ahmed The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. If NO period for reply is specified above, the maximum shallarly period will spay, and will expire 3K (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum shallarly period will spay, and will expire 3K (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum shallarly period will spay, and will expire 3K (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum shallarly period will spay, and will expire 3K (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum shallarly period will spay and will expire 3K (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum shallarly period will spay and will expire 3K (6) MONTHS from the mailing date of this communication. Applicate them ediplatment. See 37 CFR 1.764(6). Status 1) Responsive to communication (s) filled on 29 July 2005. 2a) This action is FINAL. 2b) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Office Action Summary		10/623,740		YANAGISAWA ET AL.				
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Paper No(s)/Mail Date 6) Other:	2) Notic	ce of Draftsperson's Patent Drawing Review (PTO-948)		Paper No(s)/Mail Da	ate	FO 450)			
	Pape	er No(s)/Mail Date			atent Application (PT	O-152)			

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are most in view of the new ground(s) of rejection.

Drawings

2. The drawings were received on 7/29/05. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagisawa et al (6,360,687).

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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Yanagisawa et al teach a dry etching method for flattening a wafer including first removing a native oxide layer from a silicon wafer, which oxide is formed on the silicon wafer and then etching the exposed silicon by moving a nozzle relative to the wafer while supplying an activated species through the nozzle (col.1, lines 65-col.2, lines 1-20).

As to claim 4, Yanagisawa et al teach silicon oxide removing and etching exposed silicon are carried out in a vacuum chamber without breaking a vacuum of the chamber (col.13, lines 60-67).

As to claim 5, Yanagisawa et al teach that the speed of the nozzle during the oxide removal is constant as shows in figure 10 (col.12, lines 26-29) and the speed of nozzle for etching exposed silicon is variable depending on the relative thickness of the silicon wafer (col.10, lines 60-67).

As to claim 8, Yanagisawa et al teach the activated gas comprises fluorine radicals (col.14, lines 16-24).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ezaki (6,381,300) teaches removing silicon oxide while substrate or nozzle is moving relative to each other (col.7, lines 16-32).

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shamim Ahmed Primary Examiner Art Unit 1765

SA October 16, 2005